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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,756	08/09/2007	Kenji Koishi	YAMAP0999US	7693
51921 7590 03/17/2011 MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115				
EXAMINER CHU, KIM KWOK				
ART UNIT 2627		PAPER NUMBER		
MAIL DATE 03/17/2011		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,756

Applicant(s)

KOISHI, KENJI

Examiner

Kim-Kwok CHU

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,32 and 40-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,32 and 40-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 29, 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 30, 32 and 40-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 30, the preamble of the claim is directed to "A recording medium for recording information" comprises "marks" and "spaces". However, the body of the claim instead of further reciting the medium, it recites recording parameters and their relationship represented by

$$g(v) = f(v) + PMv_l - f(v_l) + Adj(v)$$
" As such, it is not clear whether claim 30 is meant to claim the marks and spaces in the recording medium or the recording parameters and its relationship. That is, the body of the claim sets forth particular parameters based on linear velocities of the recording medium (that is, the use of a rotating recording medium), yet the claim appears to be drawn to a "recording medium", per se. Thus, the scope of the claims cannot be readily

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ascertained. Is the claim drawn to a recording medium, or its use?

Regarding to Claim 40, lines 2 and 3, the phrase "linear velocities" in the recording step (a) is vague as what the linear velocities are referred to. For example, it is not clear whether the linear velocities are the rotational speed of a recording medium or any other recording means in the claimed recording method. Furthermore, although in a later recording step (b), the linear velocities are used to rotate a recording medium, however, the claimed velocity v selected is not in the range of the claimed linear velocities such as v_a , v_b , v_1 , v_2 or the arbitrary liner velocity v (lines 23 and 24). Therefore, it is not clear whether the claimed linear velocity v in the recording step (b) is selected from the claimed linear velocities in the recording step (a).

Regarding to Claim 40, line 2, the phrase "pulse sequences" is vague as what the pulses referred to. For example, it is not clear whether the pulses are a form of recording data or a form of the claimed linear velocities. In addition, in a later recording step (b), a pulse sequence is used to form marks and space, it is not clear whether the claimed pulse sequence in the recording step (b) is selected from the claimed pulse sequences in the recording step (a).

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Regarding to Claim 47, lines 2 and 3, the phrase "linear velocities" is vague as what the linear velocities are referred to. For example, it is not clear whether the linear velocities are a means for setting the rotational speed of a recording medium or any other means in the claimed recording apparatus. Although the linear velocities are mentioned later to rotate a recording medium (last fourth line), however, the claimed velocity v selected is not in the range of the claimed linear velocities such as v_a , v_b , v_1 , v_2 or the arbitrary liner velocity v . Therefore, it is not clear whether the claimed linear velocity v is selected from the claimed linear velocities.

Regarding to Claim 47, last third line, the phrase "a pulse sequences" is vague. Although this pulse sequence is used to form marks and space, it is not clear whether the claimed pulse sequence is generated by the claimed pulse sequences generating means as recites in line 2.

The claims not specifically mentioned above are rejected because these claims are dependent on the rejected base claims.

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Response to Remarks

5. Applicant's Amendment and Remarks filed on January 3, 2010 have been fully considered. Claim 30 is rejected under 35 U.S.C. 112, second paragraph. This rejection was inadvertently missed in the last Office Action dated October 1, 2010.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

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The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/
Examiner AU2627
March 7, 2011
(571) 272-7585

/William J. Klimowicz/
Primary Examiner, Art Unit 2627